

CAUSE NO. SC22-0045-J41

ELIZAMA VILLEGAS,

Plaintiff,

v.

NATIONAL CREDIT ADJUSTERS,
LLC, *et al.**Defendants.*§
§
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§
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§
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§
§
§

IN THE JUSTICE OF THE PEACE

PRECINCT 4, PLACE 1

HIDALGO COUNTY, TEXAS

PLEADINGS INDEX

| | |
|------------|---|
| 02/24/2022 | Exhibit A - Small Claims Citation |
| 03/17/2022 | Defendant National Credit Adjusters, LLC's Answer and Affirmative Defenses to Plaintiff's Original Petition |
| 03/17/2022 | Defendant Credence Resource Management, LLC's Original Answer and Affirmative Defenses |
| 03/18/2022 | Confirmation of National Credit Adjusters, LLC's Answer Received |
| 03/25/2022 | Defendant Trident Asset Management LLC's Answer and Affirmative Defenses to Plaintiff's Original Petition |
| 03/28/2022 | Confirmation of Trident Asset Management LLC's Answer Received |
| 04/01/2022 | Defendant LVNV Funding LLC's Answer and Affirmative Defenses to Plaintiff's Original Petition |
| 04/01/2022 | Confirmation of LVNV Funding LLC's Answer Received |

EXHIBIT A

SC22-0045-J41

| | | |
|----------------------------|---|-----------------------|
| ELIZAMA VILLEGAS | § | IN THE JUSTICE COURT |
| VS. | § | PRECINCT 4 PLACE 1 |
| LVNV FUNDING LLC C/O LEGAL | § | |
| DEPARTMENT,NATIONAL CREDIT | | |
| ADJV C/O LEGAL | | |
| DEPARTMENT,TRIDENT ASSET | | |
| MANAGEMENT C/O LEGAL | | |
| DEPARTMENT,DEBT RECOVERY | | |
| SOLUTIONS C/O LEGAL | | |
| DEPARTMENT,PARAMOUNT | | |
| RECOVERY C/O LEGAL | | HIDALGO COUNTY, TEXAS |
| DEPARTMENT,CENTRAL | | |
| PORTFOLIO CONTO C/O LEGAL | | |
| DEPARTMENT,CREDENCE | | |
| RESOURCE MANGE C/O LEGAL | | |
| DEPARTMENT,ENHANCED | | |
| RECOVERY COMPANY LLC C/O | | |
| LEGAL DEPARTMENT | | |

SMALL CLAIMS CITATION

The State of Texas to LVNV FUNDING LLC C/O LEGAL DEPARTMENT; NATIONAL CREDIT ADJV C/O LEGAL DEPARTMENT; TRIDENT ASSET MANAGEMENT C/O LEGAL DEPARTMENT; DEBT RECOVERY SOLUTIONS C/O LEGAL DEPARTMENT; PARAMOUNT RECOVERY C/O LEGAL DEPARTMENT; CENTRAL PORTFOLIO CONTO C/O LEGAL DEPARTMENT; CREDENCE RESOURCE MANGE C/O LEGAL DEPARTMENT; ENHANCED RECOVERY COMPANY LLC C/O LEGAL DEPARTMENT, defendant, in the hereinafter-styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney to help you in defending against this lawsuit. But, you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday.

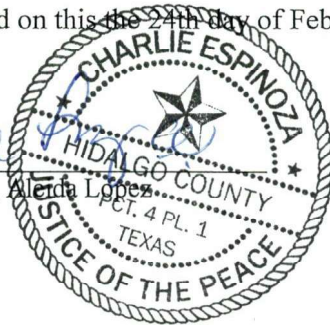
DO NOT IGNORE THESE PAPERS. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult Part V of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this citation.

This citation is issued pursuant to a petition filed by the above-named plaintiff on 02/18/2022. The plaintiff's attorneys' address: N/A , (or if no attorney plaintiff's address: 1920 BARREDA CIRCLE

EDINBURG TX 78539). Your answer may be filed with this court, located at the Justice Court, Precinct 4 Place 1.

Signed and issued on this the 24th day of February, 2022.


Clerk of the Court, Alicia Lopez or
Precinct 4 Place 1



Judge Charlie Espinoza
Justice of the Peace, Precinct 4 Place 1
212 N. 12th Avenue Edinburg Texas 78541
956-380-4473

RETURN OF SERVICE
SMALL CLAIMS CITATION

SC22-0045-J41

| | | |
|----------------------------|---|-----------------------|
| ELIZAMA VILLEGAS | § | IN THE JUSTICE COURT |
| VS. | § | PRECINCT 4 PLACE 1 |
| LVNV FUNDING LLC C/O LEGAL | § | HIDALGO COUNTY, TEXAS |
| DEPARTMENT,NATIONAL CREDIT | § | |
| ADJV C/O LEGAL | | |
| DEPARTMENT,TRIDENT ASSET | | |
| MANAGEMENT C/O LEGAL | | |
| DEPARTMENT,DEBT RECOVERY | | |
| SOLUTIONS C/O LEGAL | | |
| DEPARTMENT,PARAMOUNT | | |
| RECOVERY C/O LEGAL | | |
| DEPARTMENT,CENTRAL | | |
| PORTFOLIO CONTO C/O LEGAL | | |
| DEPARTMENT,CREDENCE | | |
| RESOURCE MANGE C/O LEGAL | | |
| DEPARTMENT,ENHANCED | | |
| RECOVERY COMPANY LLC C/O | | |
| LEGAL DEPARTMENT | | |

Service required on Lvnv Funding Llc C/o Legal Department; National Credit Adjv C/o Legal Department; Trident Asset Management C/o Legal Department; Debt Recovery Solutions C/o Legal Department; Paramount Recovery C/o Legal Department; Central Portfolio Conto C/o Legal Department; Credence Resource Mange C/o Legal Department; Enhanced Recovery Company Llc C/o Legal Department located at 55 Beattie Place Greenville Sc 29601.

(Select Only One)

- ☐ TRCP Rule 501.2 Texas Justice Court Citation (Small Claims or Other Civil)
- ☐ TRCP Rule 510.4c Texas Eviction Citation
- ☐ Texas or Foreign Process Other Than Noted Above, Describe: _____

Came to hand on (full date & time - enter manually OR time stamp at right-->) _____
and executed on the _____ day of _____, 20____, at _____ o'clock ____m. by delivering to _____ a true copy of the citation / process with plaintiff's petition / complaint /documents attached thereto, having noted on such citation / process the date of delivery and the name of the officer delivering the same, as noted below:

- ☐ Defendant / Respondent was located and delivery in person was performed at the following address (Full Physical Address): _____ in _____ County, Texas

- ☐ Alternative Service was authorized by the Court in accordance with the Texas Rules of Civil Procedure and was executed as follows: _____

- ☐ If not executed, state reason: _____

Diligence Performed (Service Attempts)

| Date / Time | Address & Zip Code | Notes | Name & Id |
|-------------|--------------------|-------|-----------|
| | | | |
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| | | | |
| | | | |

Mileage: _____ Fee: _____

Constable, Precinct

Hidalgo County, Texas

By: _____
Officer Signature

Print Name, ID, & Title

CAUSE NO. SC22-0045-J41

| | | |
|----------------------------|---|-----------------------------|
| ELIZAMA VILLEGAS, | § | IN THE JUSTICE OF THE PEACE |
| | § | |
| <i>Plaintiff,</i> | § | |
| | § | |
| v. | § | |
| | § | PRECINCT 4, PLACE 1 |
| NATIONAL CREDIT ADJUSTERS, | § | |
| LLC, <i>et al.</i> | § | |
| | § | |
| <i>Defendants.</i> | § | HIDALGO COUNTY, TEXAS |

**DEFENDANT NATIONAL CREDIT ADJUSTERS, LLC'S
ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant National Credit Adjusters, LLC ("NCA") hereby files its *Answer and Affirmative Defenses to Plaintiff's Original Petition* as follows:

GENERAL DENIAL

1. As authorized by Rule 92, Texas Rules of Civil Procedure, NCA generally denies each and every, all and singular, the allegations found in Plaintiff's Petition, and, since they are allegations of fact, Plaintiff should be required to prove the allegations asserted against NCA by a preponderance of the evidence in accordance with the laws of the State of Texas.

AFFIRMATIVE DEFENSES

2. Any violation, if it occurred, was the result of a bona fide error.
3. Plaintiff's damages, if any, were pre-existing damages not caused by NCA.
4. Plaintiff has failed to mitigate damages, if any.
5. Plaintiff proximately caused her own damages, if any.
6. Plaintiff's damages, if any, are the result of the actions of third parties over whom NCA has no control.

WHEREFORE, PREMISES CONSIDERED, Defendant National Credit Adjusters, LLC respectfully asks the Court to:

- 1) Find Plaintiff's claims are not valid.
- 2) Enter judgment that Plaintiff take nothing from NCA.

Dated: March 17, 2022.

Respectfully submitted,

MALONE FROST MARTIN PLLC

/s/ Xerxes Martin

EUGENE XERXES MARTIN, IV

Texas State Bar No. 24078928

Email: xmartin@mamlaw.com

KHARI M. FERRELL

State Bar No. 24116357

Email: kferrell@mamlaw.com

8750 N. Central Expressway, Suite 1850

Dallas, Texas 75231

T: 214-346-2630 | F: 214-346-2631

COUNSEL FOR DEFENDANT

NATIONAL CREDIT ADJUSTERS, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that she forwarded a copy of the foregoing pleading to all parties entitled to notice of same via **CMRRR** on this 17th day of March 2022:

CMRRR: 70201810000025457376

Elizama Villegas

1920 Barreda Circle

Edinburg, Texas 78542

Phone: (956) 715-9633

Email: elvi1209@gmail.com

Pro se Plaintiff

/s/ Khari Ferrell

KHARI M. FERRELL

II. AFFIRMATIVE DEFENSES

Pursuant to the Texas Rules of Civil Procedure, CRM asserts the following affirmative defenses as authorized by the Texas Rules of Civil Procedure:

1. To the extent that any violations are established, any such violations were not intentional and resulted from bona fide error notwithstanding the maintenance of procedures reasonably adopted and specifically intended to avoid any such error.
2. CRM denies any liability; however, regardless of liability, plaintiff has suffered no actual damages as a result of CRM's purported violations.
3. One or more claims asserted by plaintiff is barred by the statute of limitations, laches, estoppel, waiver and/or unclean hands.
4. Assuming that plaintiff suffered any damages, she has failed to mitigate her damages or take other reasonable steps to avoid or reduce her damages.
5. Any harm suffered by plaintiff was legally and proximately caused by persons or entities other than CRM and who were beyond the control or supervision of CRM or for whom CRM was and is not responsible or liable.
6. Part or all of Plaintiff's claims are barred by 15 U.S.C. § 1681h(e).
7. Part or all of Plaintiff's claims are barred because the fault of the Plaintiff is equal to or greater than the alleged fault of CRM.
8. Part or all of Plaintiff's claims are barred by Plaintiff's contributory negligence in failing to submit complete and accurate information to the CRAs regarding her alleged dispute.

9. To the extent any violation(s) is established, any such violation was not intentional and resulted from a good faith, bona fide, non-willful error and, therefore, CRM is not liable for any such violation.

10. CRM reasonably relied on the information and documentation provided to it by its client at the time of the credit reporting at issue, as to the validity and amount of the debt it reported.

11. Plaintiff has failed to state a claim against CRM upon which relief may be granted.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Credence Resource Management, LLC prays plaintiff takes nothing by her claims, and for all other relief to which Credence Resource Management, LLC may be justly entitled.

Respectfully Submitted,

/s/ Charles R. Penot, Jr.

Charles R. Penot, Jr.

TX Bar No. 24062455

SESSIONS, ISRAEL & SHARTLE, LLC

900 Jackson Street, Suite 440

Dallas, Texas 75202

Telephone: (214) 741-3009

Facsimile: (214) 741-3098

Email: cpenot@sessions.legal

Attorney for Defendant,

Credence Resource Management, LLC

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2022, a copy of the foregoing *Defendant Credence Resource Management, LLC's Original Answer and Affirmative Defenses* was filed with the Clerk of the Court, Justice Court, Precinct 4, Place 1 of Hidalgo County, Texas and was served via U.S. Mail and Email upon the following:

Elizama Villegas
1920 Barreda Circle
Edinburg, TX 78542
Telephone: (956) 7159633
Email: elvi1209@gmail.com

/s/ Charles R. Penot, Jr.

Charles R. Penot, Jr.

From: [jppct41.](#)
To: [Tiffany Wallace](#)
Cc: [Xerxes Martin](#); [Khari Ferrell](#); [Valerie Pike](#)
Subject: Re: CAUSE NO. SC22-0045-J41 - Elizama Villegas v. National Credit Adjusters, LLC, et al.
Date: Friday, March 18, 2022 8:29:31 AM
Attachments: [image003.png](#)

Received, thank you.

On Thu, Mar 17, 2022 at 4:32 PM Tiffany Wallace <twallace@mamlaw.com> wrote:

Good afternoon,

For filing, please find attached regarding the above referenced matter:

- Defendant National Credit Adjusters, LLC's Answer and Affirmative Defenses to Plaintiff's Original Petition.

Thank you for your assistance in filing the attached Answer. Should you need any additional information, please contact

Tiffany Wallace at (214)346-2633. If available, please return a file stamped copy for our records.

I appreciate your assistance!

Thank you,



Tiffany S. Wallace

Legal Secretary

8750 N. Central Expressway
Northpark Central, Suite 1850
Dallas, Texas 75231

D: (214) 346-2638

O: (214) 346-2630 | F: (214) 346-2631

Email: twallace@mamlaw.com

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CAUSE NO. SC22-0045-J41

| | | |
|------------------------------|---|-----------------------------|
| ELIZAMA VILLEGAS, | § | IN THE JUSTICE OF THE PEACE |
| | § | |
| <i>Plaintiff,</i> | § | |
| | § | |
| v. | § | |
| | § | PRECINCT 4, PLACE 1 |
| TRIDENT ASSET MANAGEMENT LLC | § | |
| <i>Defendants.</i> | § | |
| | § | |
| | § | HIDALGO COUNTY, TEXAS |
| | § | |

**DEFENDANT TRIDENT ASSET MANAGEMENT LLC'S
ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant Trident Asset Management LLC ("Trident") hereby files its *Answer and Affirmative Defenses to Plaintiff's Original Petition* as follows:

GENERAL DENIAL

1. As authorized by Rule 92, Texas Rules of Civil Procedure, Trident generally denies each and every, all and singular, the allegations found in Plaintiff's Petition, and, since they are allegations of fact, Plaintiff should be required to prove the allegations asserted against Trident by a preponderance of the evidence in accordance with the laws of the State of Texas.

AFFIRMATIVE DEFENSES

2. Any violation, if it occurred, was the result of a bona fide error.
3. Plaintiff's damages, if any, were pre-existing damages not caused by Trident.
4. Plaintiff has failed to mitigate damages, if any.
5. Plaintiff proximately caused her own damages, if any.
6. Plaintiff's damages, if any, are the result of the actions of third parties over whom Trident

has no control.

WHEREFORE, PREMISES CONSIDERED, Defendant Trident Asset Management LLC respectfully asks the Court to:

- 1) Find Plaintiff's claims are not valid.
- 2) Enter judgment that Plaintiff take nothing from Trident.

Dated: March 25, 2022.

Respectfully submitted,

MALONE FROST MARTIN PLLC

/s/ Xerxes Martin

EUGENE XERXES MARTIN, IV

Texas State Bar No. 24078928

Email: xmartin@mamlaw.com

KHARI M. FERRELL

State Bar No. 24116357

Email: kferrell@mamlaw.com

8750 N. Central Expressway, Suite 1850

Dallas, Texas 75231

T: 214-346-2630 | F: 214-346-2631

COUNSEL FOR DEFENDANT

TRIDENT ASSET MANAGEMENT LLC

CERTIFICATE OF SERVICE

The undersigned certifies that she forwarded a copy of the foregoing pleading to all parties entitled to notice of same via **EMAIL and CMRRR** on this 25th day of March 2022:

CMRRR: 7020 1810 0000 2545 7420

Elizama Villegas

1920 Barreda Circle

Edinburg, Texas 78542

Phone: (956) 715-9633

Email: elvi1209@gmail.com

Pro se Plaintiff

/s/ Khari Ferrell

KHARI M. FERRELL

From: [jppct41.](#)
To: [Tiffany Wallace](#)
Cc: [Xerxes Martin](#); [Khari Ferrell](#); [Valerie Pike](#)
Subject: Re: CAUSE NO. SC22-0045-J41 - Elizama Villegas v. Trident Asset Management LLC
Date: Monday, March 28, 2022 8:27:01 AM
Attachments: [image003.png](#)

Received, thank you.

On Fri, Mar 25, 2022 at 1:37 PM Tiffany Wallace <twallace@mamlaw.com> wrote:

Good afternoon,

For filing, please find attached regarding the above referenced matter:

- Defendant Trident Asset Management LLC's Answer and Affirmative Defenses to Plaintiff's Original Petition.

Thank you for your assistance in filing the attached Answer. Should you need any additional information, please contact

Tiffany Wallace at (214)346-2633. If available, please return a file stamped copy for our records.

I appreciate your assistance!

Thank you,



Tiffany S. Wallace

Legal Secretary

8750 N. Central Expressway
Northpark Central, Suite 1850
Dallas, Texas 75231

D: (214) 346-2638

O: (214) 346-2630 | F: (214) 346-2631

Email: twallace@mamlaw.com

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CAUSE NO. SC22-0045-J41

| | | |
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| ELIZAMA VILLEGAS, | § | IN THE JUSTICE OF THE PEACE |
| | § | |
| <i>Plaintiff,</i> | § | |
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| v. | § | |
| | § | PRECINCT 4, PLACE 1 |
| NATIONAL CREDIT ADJUSTERS, | § | |
| LLC, <i>et al.</i> | § | |
| | § | |
| <i>Defendants.</i> | § | HIDALGO COUNTY, TEXAS |

**DEFENDANT LVNV FUNDING LLC'S
ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant LVNV Funding LLC ("LVNV") hereby files its *Answer and Affirmative Defenses to Plaintiff's Original Petition* as follows:

GENERAL DENIAL

1. As authorized by Rule 92, Texas Rules of Civil Procedure, LVNV generally denies each and every, all and singular, the allegations found in Plaintiff's Petition, and, since they are allegations of fact, Plaintiff should be required to prove the allegations asserted against LVNV by a preponderance of the evidence in accordance with the laws of the State of Texas.

AFFIRMATIVE DEFENSES

2. Any violation, if it occurred, was the result of a bona fide error.
3. Plaintiff's damages, if any, were pre-existing damages not caused by LVNV.
4. Plaintiff has failed to mitigate damages, if any.
5. Plaintiff proximately caused her own damages, if any.
6. Plaintiff's damages, if any, are the result of the actions of third parties over whom LVNV has no control.

WHEREFORE, PREMISES CONSIDERED, Defendant LVNV Funding LLC respectfully asks the Court to:

- 1) Find Plaintiff's claims are not valid.
- 2) Enter judgment that Plaintiff take nothing from LVNV.

Dated: April 1, 2022.

Respectfully submitted,

MALONE FROST MARTIN PLLC

/s/ Xerxes Martin

EUGENE XERXES MARTIN, IV

Texas State Bar No. 24078928

Email: xmartin@mamlaw.com

KHARI M. FERRELL

State Bar No. 24116357

Email: kferrell@mamlaw.com

8750 N. Central Expressway, Suite 1850

Dallas, Texas 75231

T: 214-346-2630 | F: 214-346-2631

***COUNSEL FOR DEFENDANT
LVNV FUNDING LLC***

CERTIFICATE OF SERVICE

The undersigned certifies that she forwarded a copy of the foregoing pleading to all parties entitled to notice of same via **CMRRR** on this 1st day of April 2022:

Elizama Villegas
1920 Barreda Circle
Edinburg, Texas 78542
Phone: (956) 715-9633
Email: elvi1209@gmail.com

Pro se Plaintiff

/s/ Khari Ferrell

KHARI M. FERRELL

From: [jppct41.](#)
To: [Tiffany Wallace](#)
Cc: [Xerxes Martin](#); [Khari Ferrell](#); [Valerie Pike](#)
Subject: Re: CAUSE NO. SC22-0045-J41 - Elizama Villegas v. LVNV Funding, LLC et al
Date: Friday, April 1, 2022 11:30:35 AM
Attachments: [image003.png](#)

Received, thank you.

On Fri, Apr 1, 2022 at 11:20 AM Tiffany Wallace <twallace@mamlaw.com> wrote:

Good morning,

For filing, please find attached regarding the above referenced matter:

- Defendant LVNV Funding LLC's Answer and Affirmative Defenses to Plaintiff's Original Petition.

Thank you for your assistance in filing the attached Answer. Should you need any additional information, please contact

Tiffany Wallace at (214)346-2633. If available, please return a file stamped copy for our records.

I appreciate your assistance!

Thank you,



Tiffany S. Wallace

Legal Secretary

8750 N. Central Expressway
Northpark Central, Suite 1850
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D: (214) 346-2638

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Email: twallace@mamlaw.com

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